82-764

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IN THE

SUPREME COURT of the UNITED STATES

OCTOBER TERM, 1982

CHARLOTTE L. WHITE and
WENDELL L. WHITE

PETITIONERS,

Versus

COMMISSIONER of INTERNAL REVENUE

RESPONDENT.

PETITION FOR REDRESS OF GRIEVANCES

PETITION for WRIT OF CERTIORARI
TO THE UNITED STATES COURT of APPEALS
for the NINTH JUDICIAL CIRCUIT

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Questions Presented for Review

1. Whether the Government has protected the White family members against slavery and/or involuntary servitude ? restraints on liberty ?

2. Whether jury trial for amount in controversy over $20 shall be preserved ? Videotaped ?

3. Whether public ministers are allowed quasi origination of cases at judicial court other than the United States Supreme Court ? Treason ?

4. Whether Income Tax, Federally, may require enumeration of amounts of income; for purposes of graduating percentages of taxation ? Disparage.

5. Whether Income Tax, Federally, may be put upon the object of census, the individual ?

6. Whether a limit of Federal Income Tax is at the "Withholding Tax" from employers and other dividends such as Stocks, Bonds, Interest of loans, etc. And may not go to the census or individual or family returns ? Tax from source.

7. Whether "Inflation" is a proper recognizable Income Tax ? Prima Facie, Raised Court fees.

8. May the value of currency be established and taken into account ? Jury establish over $20 ?

9. Are White family members due wages for mandated service to the State ? Its residuals ?

10. Is Government using extortion; treachery ? disparaging the blessings of liberty ? ATTAINDER

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DEFINITION "INDIAN" under the meaning of the Constitution, U.S. it meant indigenous American Nations, or tribes. That meaning can be expanded to mean current straying local governments, which proceed in ways which may be locally expedient but yet not abiding by the Constitutions. Not Taxable.

~~INDIA~~ serous American Nations such as Cities, Counties, etc. Churches, Lodges. etc.

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There are prehaps 100 more cases citable wherein Wendell White has been involved and about as many which never got to be cases. These nearly all amount to tyranny of government upon the person and capabilities of Wendell White most brought by public ministers, police, teachers, attorneys, seeking to disparage the capabilities and liberties of reasonable and proper actions, in violation of the fundamental rights of a person under his Constitution. Some involving attacks upon his family by police including his 2 year old son Tim and 12 year old Charles by police guns. Without reasonalbe redress. There seems to be no let up on the tyranny of the local government upon him. And his home is encumbered with many papers of involvement of cases. He wishes a reasonable decision so those papers may be discarded.

JURISDICTIONAL STATEMENTS

Prohibited jurisdiction has been taken by local Judicial Courts, wherein original jurisdiction of cases by Consul, Public Ministers, "States" are plaintiff, (originating party) is with the United States Supreme Court. By way of Article III Sec. 2, Par. 2, U.S. Constitution. These usurped cases must be heard by the U.S. Supreme Court or the cases have been tyrannically acted upon, through force of arms and numbers of people, there is no statute of limitations upon their jurisdiction or appeal or right of refusal to hear those matters. Duty dictates proper disposition and separation statement upon Executive, Legislative and judicial branches of government. Or a statement of indigenous native American government, Indian government, not taxed. (Art I, sec. 2 Clause 3, U.S. Constitution, and others). Extorted people being other than free, are 3/5ths taxable.

HABEAS CORPUS writs, the showing of the body, or possibility of "Crime"has been used treacherously by Judges, counsels, and public ministers, bringing such wrongfully as "cases" proceeding to trial and conviction, without a damaged party, or when there is a damaged party not redressing such party, for the State, has presumptively placed itself in the role of damaged party, plaintiff of origin, Treason. Wherefore: upon showing habeas corpus, the damaged party must be sought and then party status given to them, with awards to them, not to the State. (U.S. Supreme Court, and Grand Jury Indictments excludable). For these are the true Constitutional provisions for State and quasi State origination . . . Constitutionally, Correcting the overages of English rule, noted in the Declaration of Independence as "pretended" matters, matters executively tended, by Fiat, &c.

OPINIONS RENDERED w/o videotape and without jury decision on amount in disputa. Violating U.S. Tax Court Rule 150 and U.S. Constitution, Amendment 7 rights and privileges, to wit: best and most complete and easiest record available: and right to have disputed amounts over $20 decided by a jury. These under threat of arms and numbers of people, to wit: forced treachery, treason. Nullification of laws and constitutional rights through force of arms and numbers of people, a waging of war against the Constitution and Laws of the United States.

Refusing to address the main grievance of slavery and involuntary servitude of White family members, Amendment I right !

U.S. Tax Court Memorandum #981-512 filed September 15, 1981 Case #118-80

U.S. Court of Appeals, 9th Circuit #81-7829 Memorandum Filed July 15, 1982.

APPEAL JURISDICTIONAL STATEMENT

Petitions for rehearing were denied both in U.S. Tax Court and 9th Circuits Courts were denied, 9th Circuit filed Aug. 9, 1982.

Article III, Section 2, clause 1, gives general jurisdiction over the subject matters to the courts through originations and appeals. (U.S. Const.)

Article III, section 2, Clause 2, U.S. Const. gives specific, origination (Plaintiff party) jurisdiction to the U.S. Supreme Court in cases wherein public ministers (police, etc.), consuls (District Attorneys, teachers, etc.), ambassadors (people with jobs) and States (the people of the State), are the originators, plaintiff party.

Article III section 2 clause 3, requires that "Criminal" Cases be tried in local areas, thus either a plaintiff party other than the State, Public Ministers, consuls, or ambassadors, must be evident, or the cases must originate in the U.S. Supreme Court and refered back locally for trial.

Jurisdiction for restraint of liberty complaints 28 USC 2254 is with all courts:

The Writ of habeas corpus is a writ of right, guaranteed by Const. Art. I sec. 9, cl 2. Which issues in behalf of any one who is illegally restrained of his liberty, and may be allowed by the supreme, district, or circuit court, or any judge thereof.

Shaw v. McHenry, 2 NW 1096, 52 Iowa 182

Thus the Tax Court, the Appeals Court and the U.S. Supreme Court have the jurisdiction to rule on the mandated use, by the State of California of White family members as "soldiers against ignorance" students restrained of their liberty daily during school hours without pay or allowances impairing the Marriage contract by taking the fruits of the contract, the children, for State service, without conviction of crime, a Bill of attainder, unlawful in both State and Federal Law.

28 USC 1252 appeals from decrees invalidating acts of congress, could give jurisdiction to this case in that 26 USC 1232 was effectively invalidated in that the value of the currency was not considered in the establishing the amounts to be taxed. And the amount of the tax.

28 USC 1253 Direct appeal for decrees of three judge courts. The three Judge Appeals court was insufficiently definitive on the legal aspects of the Income Tax Amendment, not regarding Individuality, enumeration, and the source collection of taxes and the petition for redress of grievances.

2 8 USC 1251 Original Jurisdiction expands to foreign persons the Mandate of the declaration of Independence and U.S. Constitution Article III, section 2, clause 2, by giving jurisdiction to U.S. SUPREME COURT ONLY, of officials.

28 USC 1254 declares jurisdiction on appeals, cirtiorari to the U.S. Supreme Court.

-"certiorari" is remedy resorted to for supplying defect of justice in cases obviously entitled to redress and yet unprovided for by ordinary forms of proceedure.

Quesenberry v. State Rd. Comm. 138 S.E. 362

"Certiorari" brings up for review sole question of whether inferior tribunal kept within or exceeded jurisdiction.

Berryman v. Howell, 149 P. 2d 68, 359 Mo. 854

28 USC 1911 -1913 -1914 each give the Judicial Branch, courts, conferences, and clerks power to set fees, taxes, Taxed against parties and to collect those fees, taxes, a power granted to the Congress (Legislative Branch) Article I, section 8, Paragraph 1. Such power not delegated to the Judicial Branch, by the Constitution, must be set asside, and fees refunded where possible.

Jurisdictionally, The United Nations Treaty on HUMAN RIGHTS, and Amendment I, U.S. Constitution of the United States of America, express a fundamental purpose and duty of governments, a duty which the U.S. Supreme Court can be considered the valiant sanctuary, knowing the broadest scope of liberty, reasonable in society, and, willing to give opinions honored throughout the United States of America, until more pursuasive reason may change such opinion. United Nations treaty indicates such expressed grievances as may be put forth must be answered reasonably and not dismissed summarily. Expressed in the words " Congress shall make no law... abridging.. the right of the people, A PERSON to petition (sue) the Government for a redress of grievances." The lower courts having ignored the Head of the White household's concern over Government mandated use of the family members, duty passes to Supreme Court !

STATUTORY and other PROVISIONS INVOLVED

Article I, section 2, clause 3, U.S. Constitution provides ;

> .. direct taxes shall be apportioned among the several States... according to their representative numbers, which shall be determined by adding to the whole number of FREE persons, ... and excluding Indians not taxed, three-fifths of all other persons.

(Indians meaning those persons caught up in mandated governments indigenous to the Americas.)

Article I section 8, clause 1, U.S. Constitution provides:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
>
> clause 2. To borrow money on the credit of the United States:
>
> clause 5. To coin money, regulate the value thereof, anf of foreign coin, and fix the standard of weights and measures;
>
> Clause 6. To provide for the punishment of counterfeiting securities and current coin of the United States;

clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

(Ignorance being an ever present insurrection prospect, students are, in fact, soldiers against it)

Clause 16. To provide for organizing, arming, the militia, ...(arms are tools, extensions of the body (French language derivation) which include therefore, classrooms, libraries, calculators, computors, pencils, etc. when there is ignorance to be overcome)... reserving to the States respectively, the appointment of the officers (teachers, etc.) and the authority of training (schools, books, courses, etc.) the militia according to the dicipline prescribed by congress (capitalized ?);

Section 9 Limitations on Powers Granted to the United States

clause 2. The privilege of the writ of habeas corpus shall not be suspended,...

clause 3. No bill of attainder... shall be passed.

clause 4. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Section 10. clause 1, No State (including the United States, when acting as a State) shall....

coin money; emit bills of credit; make anything but gold or silver coin a tender in payment of debts; pass any bill of attainder,...or law impairing the obligation of contracts, or grant any title of nobility.

ARTICLE III JUDICIAL BRANCH

Section 2, clause 1, The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made,...under their authority;.. to controversies to which the United States shall be a party,... to all cases affecting ambassadors, other public ministers and consuls;...and between a State or citizens thereof, and foreign States, citizens or subjects.

Section 2, clause 2, In all cases affecting ambassadors, (those with jobs), other public ministers (police, etc.) and consuls (attorneys, teachers, etc.), and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases aforementioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Section 3 clause I, Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Article VI, part 2. This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, ...shall be the supreme law of the land:

and the Judges in every State shall be bound thereby,.....

AMENDMENT I Congress shall makd no law..... abridging the right of the people(a person) peacably to assemble, and to petition the Government for a redress of grievances. (Backed up by United Nations Treaty on Human Rights, saying such petition must be reasonably acted upon effectively)

AMENDMENT II A well-regulated militia, being necessary to the security of a free State, the right of the people (a person) to keep and bear (use) arms (tools) shall not be infringed. (Videotaping being an Arm)

Amendment III No soldier (student against the insurrection of ignorance) shall, in time of peace be quartered in any house, without the consent of the owner, ...

Amendment IV The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated,.....

Amendment V No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property (currency) be taken for public use, without just compensation.

Amendment VII In suits at common law, where the value of controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.....

AMENDMENT IX The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (persons, individuals).

Amendment X The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XIII Neither shall slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

AMENDMENT XIV..1..No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

AMENDMENT XVI The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census (individuals, families) or enumeration (numbering of amount of income for the purpose of graduating amounts.)

Statutes 26 USC 1232 Complicated right to determine value of notes, private or Gov't.

STATEMENT OF THE CASE

Irish Catholics were not allowed to teach their own children, Protestant control of the children probably is a root of much discontent there. The bringing of the theories that the father and mother have to send their children daily to school was, by information, brought to the U.S. by Presbyterian forces, and then passed Bills of Attainder, attaining the family through the origination of cases in local courts by "The people of the State" or The State. In clear violation of personal liberties of the parent and child. Impairing the marriage contract obligations, and its implied obligation of raising the children in cooperation, in the business and lifestyle of the parents. Duty and assets, responsibility and enjoyments, are disparaged and denied by such involuntary servitude and slavery to the Government, unconstitutionally!

The 13th Amendment declares no slavery or involuntary servitude shall exist within the U.S. or any place subject to its jurisdiction. Since this situation exists and has existed many years foisted upon the White family, then they are not within the jurisdiction of the United States.

Further, Indigenous American Nation governments are not to be taxed, Art I Sec. 2 Clause 3, and Amend 14.

The government has failed to protect the White family from such acts of tyranny.

Amendment I declares no law respecting the establishment of religion, or prohibiting the free exercise thereof shall be made by congress, any group of governing persons. The protestant insistance of schooling daily, by mandate, acts to make all children soldiers against the insurrection of ignorance, without pay or allowances to them or their parents, in violation of the words of Amendment 3.

Amendment 16 expressly declares that the Tax shall be laid and collected from whatever source derived. And without regard for any census (not upon indivivuals, families, etc.) or (any)enumeration (numberings, like amounts one has, or the expenses of anyone, or for the purpose of graduating the amount of tax paid by those more propserous than others.) The President of the U.S. Ronald Reagan 9-28-82 4:30 P.M. PDT stated: "--Knowing that without having to vote for a tax increase, the government is getting a tax increase with every percentage point of inflation; and that has been going on for years." An Income tax.

FDIC LIABLE ?

He also stated that with the decline of inflation indexing,(or allowing for valuation of currency different from its face value), "curbing inflation the indexing wont make much difference."

Thus it is clear that 26 USC 1232 allows us to adjust the value of notes to a standard.

It is apparent that the 1040 form is in essence a petition for redress of grievance, allowed as optional, or a right under amendment I, U.S. Const. It would seem that since the Income Tax is to be laid and collected on the source of the income as the 16 Amendment states, then if a person is not agrieved by the collection of such tax then they need not file a 1040 form, or other individual or family enumeration of income or expenses. For the 16th amendment indicates no census or individual should be regarded in the collection of Income Taxes. Inflation, the writing of money for projects is a proper Income Tax, taxing the sources of income, as per President Reagan's statement, other sources required to lay and collect the tax would be the corporation dividends and workers, as Judge White indicated in a primary Income Tax case, That case is spuriously used to indicate an individual should be taxed. Filling forms is excessive work.

Individuals have a common law and Constitutional right not to be directly taxed, Federally, that type of taxation is properly reserved to the States, or to the people (individuals), like charging for services and products. UNEQUAL TAX, GRADUATION, IS UNLAWFUL, SHERMAN ANTI-TRUST ACTS.

Income Tax is certainly Constitutional and as clerk of Americans for Constitutional Taxation, I have studied Constitutional Taxation and feel there are areas of compliance and non-compliance with the wording and spirit of the Income Tax Amendment:

1. Withholding tax seems proper.

2. Corporate profit taxes seem proper.

3. Individual income tax return seem illegal.

4. Petition for redress of grievance, proper.

5. Inflation, writing currency for expenses seems proper when judicially used, BY CONGRESS.

6. Imprisonment to enforce tax collection is government by extortion, (ATTAINDER) unconstitutional.

There are several kinds of Income Taxation which would be proper but are not used, or are marginally used, among these would be;

1. Sales Tax, by percent or transaction.
2. Inheritance tax.
3. Transaction tax
4. Currency writing for valued acts.
5. CURRENCY WRITING FOR MANDATED ACTS

Jury trials should resolve controversies over $20 in value, Thus those performing a service or donating goods to the general welfare of the country should have the right to pay for those services or goods, and a jury make the decision of how much currency might be written. That should also be available for decision on amounts charged by government for their service like filing fees of court which are over $20 thus disparaging the right to access to that branch of government.

Martial Law, the suspension of writs of Habeas Corpus, has been the force of the government as it uses "the People of the State" as the plaintiff party in judicial courts. For that treachery is not declared, has historic background of not being declared, yet unconstitutional where civil authority is not under military attack, as during the Civil War in ex parte Milligan. Thus the taking of the children, under acts originated in local judicial courts, and without pay and allowances is martial law foisted upon the families. In particular when the child has not been damaged but has in fact suceeded educationally beyond the children of his same age. Ventura County local municipal court, State of California #A 015274 Treason upheld therein U.S. Dist. Ct. Central District of California CR 75-1977 witness interview denied through #A016898 wherein Wendell White was jailed by judge Hunter.

Thus the United States of America has failed to provide liberty for the persons of the White family and has in 1977 failed to recognize or pay for the services of the family members mandated to service of the State, through the demand of educations, various forms of involuntary servitude and slavery, without conviction of any crime. Five of the 6 family members active in the service of the State of California. That in effect nullified the force and education of the 6th, Judge Arnold Raum noting that there was no listed income for the Industrial Engineer, Wendell White, the most educated of the whole family, functionally disparaged through many other attainders (laws) enforced through local judicial Courts in the Building trades and also in construction of vehicles. Thus the quartering of these soldiers against ignorance was not paid for and was a terrific grievance, redressable.

Bogged down in the morass of court proceedure as a hope for redress of such grievances, the core of redress under the Constitutions of U.S. and California, and the United Nations Treaty on Human rights, has largely been unavailable due to the prejudices and practices intent upon putting the people under "control", instead of "liberty", Charles Carr, Judge U.S.D.C.C.D.C. #71-2330, "We need more control, not less." That is not the statement of a Judge, it is the statement of one who wishes executive power, not one who is dedicated to deciding between issues.

Enforcement of law is executive function the writing of law Legislative, while the function of the judicial is to mostly act to hear and judge a difference, not to support one or the other but rather both sides so they can function properly though both have different points of view and assets and liabilities in each other.

CONCLUSION

The United States Government has not protected the White family from involuntary servitude and slavery. Thus wages are due, to protect Tim White, Charlotte has paid him amounts shown due in California Constitution Article 9 Sec 6. She needs reimbursement. This action acts to deny Wendell fatherhood expectancies of dynastic passing on of heritage, instruction, and companionship. Such are reasonable and proper expectations of marriage contract.

Local originations of cases at local courts by Governments, city, State, County, are unlawful and such cases must be originated at the U.S. Supreme Court level, or, true damaged parties named as plaintiff, Government attorneys representing damaged parties, in Criminal cases upon Habeas Corpus hearings to determine if the body of a crime has been committed. (What is now called court trials, largely are Habeas Corpus)

The Sources of income are the extent of Income Tax collection practice under the 16th Amendment. Income Tax Returns are in essence petitions for redress of grievances allowed but not mandatory under Amdnement I U.S. Constitution, therefore anyone wanting to avoid petitioning, or satisfied with the Income Tax withholding, from their wages or investments should not then burden the filing of the returns.

"Inflation being a proper income tax upon all incomes, should be thus recognized and taken as a reduction of real income in accord with the filing of an income tax return requesting refund. Such Inflation, devaluation of currency, is a tax upon individuals, corporations, and others who deal in money, and an accounting should be made nationelly for such value. 26 USC 1232

Recording by videotape is proper, U.S. Tax Court Rule 150. Rehearing should be ordered.

. . . Technically Treason, the actions of the judges, Arnold Raum, Barnes, Wright, Poole, Hunter, Soares, Carr, Grey, Lee Cooper, Burt Henson, and hundreds and thousands of other judges throughout the land who have accepted origination of cases by "The people of the State" without referring them to the U.S. Supreme Court, as required in Article 3, Section 2, clause 2, of the U.S. Constitution, Mandate declared in the "Declaration of Independence" through the use of numbers of people and force of arms. Refusing also videotaping of open court, refusing Jury Trial for matters of over $20 controversy for the determination of the amount owed. These men must be shown their error 18 USC 2382, and then given a chance to redress such grievances as may have occurred. Along with the Clerks, Attorneys and policemen involved, or suffer permanent loss of government office status.

The amount adjudged owed by the Judges is by definition judge made law and thus common law under the meaning of Amendment 7. The Congress should supply funds for such jury panels, to help redress the wrongs done in spite of the Constitution in years past.

The function of court fees, as taxing the litigant is clearly anti-productive of the use of courts to settle or decide arguments, damaged party awards, crime victim awards, repayment by criminals of crime damages, to the damaged parties, (probably the best deterrent to the spread of crimes against persons), for then all would seek to know the feelings of others involved on matters which might effect them. Turning the thought process to one of concern of others rather than the greed of getting. Thus the $200, $65 and other court fees should be refunded or awarded by jury as being over $20.

It is hoped that the great travail which seizes the Nation and the world at this present time would be alleviated by the increase of true liberty, to build houses, sing, record, build cars, electric and amphibious, construct solar power plants, systems, with the help of government or at least without the jailing of such persons, as has happened many times to Wendell White, in many cases brought locally to court without any damaged party at all, only talk and jealousies of persons, misconstruing the intent and acts of Wendell White, he beating off perhaps 80% of such charges but still many times his actions have been rebuked without reason, and by prejudice and lying.

The hope is to make accessable to those who have been damaged, including assault, the courts, not to the State and its tyrannies foisted by local prejudices and jealousies, greed, excesses, etc.

Wherefore petitioners pray the Supreme Court grant petitions for redress of grievances, and order local courts cease and desist from carrying to trial habeas corpus proceedings where there is no damaged party.

Wherefore petitioners pray jury trial on amount ordered paid for taxes, if the amount in dispute is over $20.

That videotape be allowed for recording.

That Tax Courts and Police Courts carry in designation what branch of government they are deciding issues about, and that they are not in the Judicial Branch of governmen t.

That Court fees be under $20 or amount adjudged by a jury.

RESPECTFULLY SUBMITTED,

Wendell L. White

10-6-82 WENDELL L. WHITE
Petitioner-appellant